IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

	CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA FILED	
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JOHN F. CORCORAN, CLERK BY:

JASON HAMM-BEY, Petitioner,) Civil Action No. 7:05-cv-00483
v.) <u>FINAL ORDER</u>
GENE JOHNSON, Respondent.) By: Hon. James C. Turk) Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that respondent's motion to dismiss shall be and is hereby **GRANTED**; petitioner's motion for evidentiary hearing is **DENIED**; the petition for habeas corpus, pursuant to 28 U.S.C. §2254, shall be and hereby is **DISMISSED**; and the action is hereby stricken from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to petitioner and to counsel of record for the respondent.

ENTER: This / day of Jehnuary, 2006..

Senior United States District Judge